

127 S SEVILLE



**BUILDING AND STANDARDS BOARD AGENDA ITEM #5 FOR
WEDNESDAY, SEPTEMBER 25, 2013**

**ENVIRONMENTAL SERVICES DEPARTMENT
CODE COMPLIANCE DIVISION**

MEMORANDUM
August 27, 2013

TO: The Honorable Chairman and Board Members

THROUGH: Elda Hefner Rodriguez, Division Manager, Code Compliance Department

FROM: Tom Maguire, C.B.O., Deputy Building Official

SUBJECT: 127 S. Seville Drive, El Paso, Texas, 79905-4920

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on or about April 5, 2013. The single family dwelling was built on or about 1956, constructed of adobe and wood framing with plaster covering. The structures were found open and being used as harborage by unwanted persons. The structures show structural deficiencies and signs of deterioration due to lack of maintenance and exposure to the elements. The plaster covering is deteriorated exposing the underlying adobe walls and dry rot wood members. The roof and ceiling assembly shows exposed decaying wood members. The window openings are covered with plywood or cardboard blocking the means of egress. The electrical, plumbing and mechanical systems are nonexistent. The property is full of weeds, trash and debris throughout the property.
- 2) A certified condemnation letter was mailed to Luis Gomez.
- 3) Certified notices of the public hearing scheduled for September 25, 2013, were mailed to the owners and all interested parties on September 5, 2013.
- 4) As of September 3, 2013, \$4,847.42 in taxes is owed.

The owner has been notified of the property violations at this property. To date, there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structures' certificate of occupancy be revoked; and
- 4) That the structures cannot be rehabilitated; and
- 5) That the structures be demolished within thirty (30) days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
- 7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Code Compliance Division
April 15, 2013

NOTICE OF VIOLATION

Luis Gomez
127 S. Seville Dr.
El Paso, TX 79905-4920

Re: 127 S. Seville Dr.
Blk: 21 Ysleta
Lot: Tract 14-H-1 (0.062 Acre)
Zoned: C-4
ENHS13-00244
91 7199 9991 7030 7808 8139

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code. [Sec. 108.1]

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. [Sec. 108.1.1]

18.50 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure. [Sec. 108.1.2]

18.50 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. [Sec. 108.1.3]

The structures located at **127 S. Seville** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All *exterior property, accessory structures and premises* shall be maintained in a clean, safe and sanitary condition, All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. All *exterior property and premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- e. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- f. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- g. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner. [Sec. 605.1, 605.2, 605.3]
- h. The structures need to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- i. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structure proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.108.10 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290.

Nellie Avalos
Building Inspector

NOTICE OF PUBLIC HEARING

To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the “Commission”, at the following time and place:

LOCATION: City Hall, City Council Chambers, 300 N. Campbell Street, 1st Floor, El Paso, Texas 79901

DATE: September 25, 2013

TIME: 5:30 p.m.

PROPERTY: 127 S. SEVILLE DRIVE, EL PASO, TEXAS also described as Tract 4-H, Supplemental Map of Block 21, Ysleta Grant, El Paso County, Texas.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Luis Gomez, 127 S. Seville Drive, El Paso, Texas 79905-4920 is the owner, herein after referred to as the “Owner” of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20th day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about April 5, 2013 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- j. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]

- k. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- l. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- m. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- n. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- o. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- p. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- q. The structures need to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

The Owner is entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owners advocate for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owner fails to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order. The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM

APPROVED AS TO CONTENT

John R. Batoon
Assistant City Attorney

Tom Maguire, C.B.O.
Deputy Building Official

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 127 S. Seville Drive was PUBLISHED in the official City newspaper on the ____day of_____, 2013.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 127 S. Seville Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Luis Gomez
127. S. Seville Drive
El Paso, Texas 79905-4920

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 127 S. Seville Drive was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
300 N. Campbell
El Paso, TX 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 127 S. Seville Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 127 S. Seville Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 127 S. Seville Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Clerk, Probate Dept.
500 E. San Antonio Avenue, Suite 105
El Paso, Texas 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice regarding the property at 127 S. Seville Drive was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date: _____
Time: _____
Inspector: _____

I certify that a true and correct copy of the foregoing Notice was POSTED at 127 S. Seville Drive El Paso, Texas.

Date: _____
Time: _____
Inspector: _____



UNSAFE STRUCTURES REPORT

ENVIRONMENTAL SERVICES

DATE OF EXAMINATION: August 27, 2013

DISTRICT: 3

ADDRESS: 127 S. Seville Drive, El Paso, Texas 79905

ZONED: C-4

LEGAL DESCRIPTION: Tract 4-H, Supplemental Map of Block 21, Ysleta Grant, El Paso County, Texas.

OWNER: Louis Gomez & Carmen Garcia Gomez

ADDRESS: 127 S. Seville Dr.
El Paso, Texas 79905-4920

BUILDING USE: Single Family Dwelling & Accessory structure

TYPE OF CONSTRUCTION: Type V, adobe w/plaster

FOOTINGS: Concrete

CONDITION: Unable to determine condition of all footings due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: N/A

CONDITION: N/A

FLOOR STRUCTURE: Concrete slab on grade w/vinyl & ceramic tile covering and some carpet covering.

CONDITION: Poor. There is missing or broken tile in several areas exposing the concrete slab. A structural engineer will need to be hired to evaluate the conditions of the floor system and submit a report to this department on all corrective actions required to bring the floor system up to minimum code.

EXTERIOR WALLS: Adobe walls w/wood framing plaster exterior finish.

HEIGHT: 12' +/-

THICKNESS: 10" +/-

CONDITION: Poor. Due to lack of maintenance and exposure to the elements, the structures are showing structural failure and are in an advanced state of disrepair. The exterior walls will require a structural engineer to evaluate the entire framing system components for structural stability and submit a report to this department on all corrective actions required to bring this system into minimum code compliance.

INTERIOR WALLS & CEILINGS: Some interior walls are covered with ½" sheetrock over adobe. Ceilings are of ½" sheetrock.

CONDITION: Poor. The walls contain graffiti and holes exposing the adobe; the ceiling shows evidence of water infiltration and will need to be replaced

ROOF STRUCTURE: Flat roof with roll roofing composition covering.

CONDITION: Poor. A registered roofing contractor will need to be hired to evaluate the entire roofing system and submit a report of his findings to this department on the corrective action required to bring the system up to minimum code compliance.

DOORS, WINDOWS, ETC.: Wood framed doors w/wrought iron guard and wood frame windows.

CONDITION: Poor. None of the windows have glass; most of them are blocked w/plywood or cardboard. The doors and windows will need to be replaced in order to meet minimum code requirement for egress.

MEANS OF EGRESS: Does not meet code

CONDITION: Poor

PLUMBING: Poor. A licensed plumbing contractor must be hired to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

ELECTRICAL: Poor. A licensed electrical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

MECHANICAL: Poor. A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: Unknown

WARNING POSTED: No **BARRICADED:** No **POLICE AID REQD.:** No

REMARKS: This single family dwelling and accessory dwelling unit were built on or about 1956. The structures were found in an advanced state of disrepair and being used as harborage by unwanted persons. The structures are showing structural failure. The department recommends that the structures be demolished within thirty (30) days and the premises be cleaned and maintained clean of all weeds, trash and debris within thirty (30) days.

Nellie Avalos

Building Inspector

